

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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MARK STEPHENS,

Case No. 3:21-cv-00241-jdp

Plaintiff,

v.

AMERICAN FAMILY MUTUAL  
INSURANCE COMPANY, S.I.,

Defendant.

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**MOTION FOR LEAVE TO FILE  
PLAINTIFF'S SUMMARY JUDGMENT SUBMISSIONS  
BY PLAINTIFF MARK STEPHENS**

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NOW COMES Plaintiff Mark Stephens, by his attorneys, THE SULTON LAW FIRM LLC, by Attorney William F. Sulton, and moves the Court for an order granting to leave to file Plaintiff's summary judgment submissions.

Plaintiff's counsel missed the March 4, 2022, deadline for filing Plaintiff's summary judgment submissions. Plaintiff's counsel started a jury trial in the Circuit Court for Milwaukee County on February 28, 2022. *Bowie v. Settecase*, Case No. 2018CV008456 (Milw. Cir. Ct.). Plaintiff's counsel anticipated that the trial would conclude by March 2. The trial concluded on March 3. Unfortunately, Plaintiff's counsel's son was ill on March 3. While Plaintiff's counsel was able to secure childcare on March 4, Plaintiff and Plaintiff's counsel were unable to meet

prior to the expiration of the deadline. Plaintiff's counsel needed to meet with Plaintiff to obtain declaration to prepare the summary judgment submissions.

Plaintiff's counsel recognizes that deadlines are important and apologizes to the Court and to counsel for the delay in filing Plaintiff's summary judgment submissions. A district court has discretion to extend time for excusable neglect. *See* Fed. R. Civ. P. 6(b)(1)(B); *Stewart v. Wall*, 688 Fed. Appx. 390, 395 (7th Cir. 2017). By granting this motion, Defendant will not suffer any prejudice. Granting this motion will not delay any other deadlines (save for the Defendant's reply submissions by two days). The Parties have previously agreed, albeit informally, to extend the time for Defendant's expert disclosures. The Parties also recently agreed to return to mediation on March 15, 2022.

For all of the above reasons, Plaintiff's counsel submits that this matter should be decided on the merits and respectfully requests that the Court grant Plaintiff leave to file his summary judgment submissions.

Date: March 8, 2022.

Respectfully submitted,

/s/ William F. Sulton

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